

**REMARKS/ARGUMENTS**

Applicants respectfully request a corrected filing receipt that adds the second inventor, Kurt Hansen. A *Request to Correct Inventorship under 37 C.F.R. § 1.48* was filed by Applicants with the U. S. Patent Office on November 1, 2002. This Request to Correct Inventorship included a Statement from Kurt Hansen, executed Declarations by Keith W. Diveley and Kurt Hansen in accordance with 37 C.F.R. § 1.63, and written consent from the assignee, First Data Corporation. Although the postcard was returned acknowledging receipt by the U. S. Patent and Trademark Office of the *Request to Correct Inventorship*, applicants have never received a corrected filing receipt denoting both Kurt Hansen and Keith W. Diveley as inventors of the instant application.

**Status of the application:**

Prior to the entry of this amendment, claims 1-67 were pending in this application as the amendments to the claims herein are made relative to the claims as filed in the September 22, 2004 Amendment. The present amendment amends claims 1, 34-37, 50-52, 55 and 67 and cancels claims 4, 9 and 41. Hence, after entry of this amendment, claims 1-3, 5-8, 10-40 and 42-67 are now pending in the application. No new matter has been introduced with the foregoing amendments. Reconsideration of the subject application as amended is respectfully requested.

In the Office Action mailed December 22, 2004 claims 1-3, 5, 8, 9, 12, 14, 17, 24, 31, and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hensley, U.S. 2002/0087337 ("Hensley") in view of Applicants' own admission, and further in view of Gilmore *et al.*, U.S. Patent No. 4,795,892 ("Gilmore").

In the Office Action claims 4, 6, 7, 10, 11, 13, 23, 34, and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hensley/Applicants/Gilmore in view of Ganesan, U.S. 2002/0087469 ("Ganesan").

In the Office Action claims 15, 16, 18, and 19-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hensley/Applicants/Gilmore in view of Kolls, U.S. Patent No. 6,601,038 ("Kolls").

Claims 25 and 26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hensley/Applicants/Gilmore in view of Fredregill *et al.*, U.S. Patent No. 5,923,016 ("Fredregill").

Claim 27 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hensley/Applicants in view of Schutzer, U.S. Patent No. 6,292,789 ("Schutzer").

Claim 28 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hensley/Applicants/Gilmore in view of Tarter *et al.*, U.S. Patent No. 5,550,734 ("Tarter").

Claims 29 and 30 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hensley/Applicants/Gilmore in view of Sullivan, U.S. Patent No. 6,386,444 ("Sullivan").

Claim 33 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hensley/Applicants/Gilmore in view of Schutzer, and further in view of Kolls.

### **35 U.S.C. § 103 Rejections**

Independent claims 1, 36 37, 52 and 55 were rejected under 35 U.S.C. § 103(a) over Hensley in view of Applicants' own admission, and further in view of Gilmore. Independent claims 34 and 35 were rejected under 35 U.S.C. § 103(a) over Hensley in view of Applicants' own admission and Gilmore and further in view of Ganesan. Reconsideration of these rejections is respectfully requested because in combination these references do not describe or suggest all of the elements of the amended independent claims -- claims 1, 34-37, 52, 55 and 67.

The present amendment amends independent claims 1, 34-37, 52, 55 and 67. As amended, independent claim 1 recites the limitations: (1) "the payment service provider receiving account information for the customers from the client" and "storing the account information in a database;" (2) "using the database to verify status of the client account;" (3) "assigning a unique identifier to the customer, wherein the unique identifier is configured to provide the customer with access to the payment account to make further payments from the payment account without providing the identifying information;" and (4) "using a wire transfer to transfer the funds from the payment account to the client account upon receipt of the

payment." Similarly, independent claims 34-37, 52, 55 and 67 each essentially contain limitations concerning: (a) the transfer of customer account information from a client to a payment service provider; (b) using the transferred account information to verify status of a customer's account with the client; (c) providing the customer with a payment account associated with the client account that the customer may access without providing identifying information; and (d) wiring payments to the client account from the payment account upon receipt by the payment service provider of either a payment from the customer and/or a request from the customer to make the payment from funds already in the payment account. Applicants believe that these limitations of independent claims 1, 34-37, 52, 55 and 67 are not described or suggested in either Hensley, Applicants' Admission, Gilmore or Ganesan or a combination of the references. Since none of the cited references nor any combination of the cited references discloses all of the limitations of the independent claims, Applicants believe the claims are in condition for allowance.

As observed in Applicants' patent application, most prior art payment services did not cater to the unbanked or the like. (Application p.2). As such, there was a need in the art at the time of Applicants' patent application for a payment service in which unbanked customers could establish payment accounts with a payment service provider that the unbanked customer could easily access, without the need for identifying information, to wire payments to an account the customer has with a client of the payment service provider. *Id.* pp.2-3. Such payment accounts, unlike existing payment services, would provide the customer with mobile access to an account and the ability to make instantaneous payments from the account to his or her payees.

None of the references cited in the Office Action mention the unbanked nor do they concern methods for unbanked persons to make payments to accounts the unbanked person has with a payee. None of the cited references teach or suggest the limitation of a person establishing a payment account with a payment service provider that the person may access with a unique identifier without providing identifying information to make payments to an account the customer has with a client of the service provider, where the payment service provider has received information on the accounts of the client's customers and can verify the status of the account before making payment. Further, none of the cited references teach or suggest payment

accounts that a customer can wire funds from to an account the customer has with a payee to provide for real-time payment on the account.

Hensley discloses an anonymous payment system in which a broker sets up accounts with customers of the broker and then arranges for the customers to receive services from service providers without providing the service providers with complete customer information. (Hensley ¶ 0011). Once services have been provided to the customers by the service providers the broker bills the customers for the services. (Hensley ¶ 0023). Hensley does not teach, suggest or even mention the brokers receiving account information from service providers regarding accounts the service provider has with its customers. In fact, Hensley teaches away from such a limitation since such a limitation would require direct dealings between the customer and the service provider, the very thing that Hensley is designed to prevent. Hensley does not teach or suggest a customer establishing a payment account with a payment service provider that the customer may access without identifying information to make payments. Further, Hensley does not teach or suggest wiring funds from payment accounts to provide for essentially real-time transfers of funds to a customer's account with a payee.

In Applicants' patent application, Applicants acknowledge the existence of credit accounts. (Application p.1). However, Applicants further observe that such credit accounts do not address the need in the art for unbanked persons or the like to be able to make payments to payees in real-time by accessing accounts without the need to repeatedly provide identifying information.

Ganesan discloses a payment method for persons with existing bank accounts to make payments from the accounts without identifying the bank accounts. (Ganesan ¶¶ 43-61). Ganesan does not teach or suggest establishing a payment account for a customer from which the customer may wire funds without the need to repeatedly provide identifying information. Further, Ganesan does not disclose a payment service provider receiving account information regarding customers of a client of the service provider so that prior to transferring money the service provide can verify the customer's account status with the client.

Gilmore discloses a pre-paid commodity system. (Gilmore col. 2, lines 18-27). Gilmore does not teach or disclose a customer of a client establishing a payment account with a

payment service provider and using the account to wire payments to an account the customer has with a client of the payment service provider. Further, Ganesan does not teach or suggest a payment service method and/or system where the client of the payment service provider provides account information to a payment service provider to provide for the payment service provider to verify account status before wiring a payment for a customer to the client.

None of the references cited in the Office Action, either individually or in combination, teach or suggest all of the elements of the independent claims as amended. For at least these reasons, independent claims 1, 34-37, 52, 55 and 67 are believed to be allowable over Hensley in light of Applicants' Admission, Gilmore and further in light of Ganesan and withdrawal of the rejections of the claims under 35 U.S.C. § 102(b) is respectfully requested. Claims 2, 3, 5-8, 10-33, 38-40, 42-51 and 53, 54, 56-66 depend from independent claims 1, 34-37, 52 and 67 and are distinguishable for at least the same reasons.

### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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